

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 04-10192-NG |
| |) | |
| CARLOS RUBEN RIVERA |) | |

DEFENDANT'S REQUEST TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Defendant, Carlos Ruben Rivera, moves that this Court modify the conditions of his pretrial release to allow him to change residences to his mother's home in New Bedford. As reasons therefore, defendant states the following:

1. The defendant first appeared in this matter upon his arrest on June 14, 2004. After initially ordering detention, Magistrate Judge Swartwood on September 14, 2004 conditionally released the defendant to his home in New Bedford. The defendant signed an appearance bond in the amount of \$50,000 to ensure his continued appearance.
2. As additional conditions, the defendant was placed on a curfew (monitored by telephone), ordered to seek and maintain employment, and ordered not reside with his wife (from whom he is separated).
3. The defendant has remained in New Bedford since his release and has been subject to telephone monitoring to enforce the curfew condition.
4. Pretrial Services reports that the defendant has been compliant with all of the conditions of release, including the curfew. No new criminal activity has been reported. Defendant is working full time as a heavy-machinery operator.
5. In preparation for a likely prison sentence in this matter, defendant in December sold his home at 508 Brock St. to his sister, Jovanna Morales. Notwithstanding the sale, Ms. Morales has, until recently, allowed defendant to remain in the home. Recently, however, Ms. Morales invited her new

boyfriend to stay at the home. This relationship has caused some inter-family acrimony and Ms. Morales has requested that defendant move out. Since this request, defendant has slept in the garage and the attic of the home.

6. Defendant's mother, Nilda Rodriguez, has agreed to allow defendant to immediately move in with her at 128 Pleasant St. New Bedford, 02740. Pretrial Services has investigated this address and has found it suitable for defendant and the monitoring required by the existing release order.
7. Pretrial Services, by and through September-Lee Brown, assents to this motion. The government, by and through Antoinette Leoney, does not oppose this motion.

Wherefore, defendant respectfully requests that this Court modify the conditions of release to reset the curfew to 9:00 p.m.

CARLOS RUBEN RIVERA
By his attorney,

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